29120. Misbranding of canned peaches. U. S. v. 142 Cases of Peaches. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42213. Sample No. 10912–D.)

This product fell below the standard for canned peaches established by this Department, and it was not labeled to indicate that it was substandard.

On April 16, 1938, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 142 cases of canned peaches at Barbourville, Ky., consigned on or about August 18 and 20, 1937; alleging that the article had been shipped in interstate commerce by Bush Bros. & Co. from Clinton, Tenn.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Clinton Brand Unsweetened Freestone Peeled Yellow Peaches * * * Bush Bros. & Company * * * Dandridge, Texas."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because the peaches were packed in water (the liquid portion of finished product read less than 14° Brix) and were not so labeled; the peaches were not of normal and uniform size, were not unblemished, and were not in unbroken halves; and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that the article fell below such standard.

On May 17, 1938, Bush Bros. & Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29121. Adulteration of maple sirup. U. S. v. 46 Drums of Maple Sirup. Consent decree releasing product under bond for deleading. (F. & D. No. 42308. Sample No. 9461–D.)

This product contained lead.

On May 19, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about April 21, 1938, from Forestville, N. Y., by R. Morgan & Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, Rockey T. Morgan, claimant, Forestville, N. Y., having admitted the allegations of the libel, the product was ordered released under bond conditioned that it be deleaded.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29122. Adulteration of canned grapefruit juice. U. S. v. 299 Cases of Grapefruit Juice. Default decree of condemnation and destruction. (F. & D. No. 42134. Sample No. 11418–D.)

This product contained insect fragments.

On or about April 8, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 299 cases of canned grapefruit juice at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about February 25, 1938, from Weslaco, Tex., by Christensen Products Corporation; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29123. Adulteration of canned spinach. U. S. v. 69 Cases of Spinach. Default decree of condemnation and destruction. (F. & D. No. 42382. Sample No. 25341–D.)

This product was in whole or in part decomposed.

On May 13, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 cases of canned spinach at Bronx, N. Y.; alleging that the article had been shipped in interstate commerce